

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT****SUMMONS**

<b>Plaintiff</b> John Caruso v. <b>Defendant</b> Omni Hotels Management Corporation	<b>Civil Action File Number</b> PC-2018-2403 <b>Attorney for the Plaintiff or the Plaintiff</b> Ronald J. Resmini <b>Address of the Plaintiff's Attorney or the Plaintiff</b> RONALD J. RESMINI LTD 155 SOUTH MAIN STREET PROVIDENCE RI 02903
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> 1 West Exchange Street Providence RI 02903

**TO THE DEFENDANT, Omni Hotels Management Corporation:** *c/o Corp. Servs Co.*

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 4/10/2018.

/s/ Henry Kinch  
Clerk

Witness the seal/watermark of the Superior Court

A TRUE COPY ATTEST  
 KYLE R. NORIGIAN  
 CONSTABLE #6137  
 DATE 5/7/18

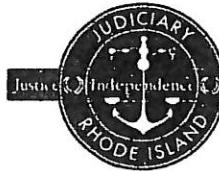
SC-CMS-1 (revised July 2014)

EXHIBIT

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STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT****Plaintiff**

John Caruso

v.

**Defendant**

Omni Hotels Management Corporation

**Civil Action File Number**

PC-2018-2403

**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Omni Hotels Management Corporation, by delivering or leaving said papers in the following manner:

- With the Defendant personally.  
 At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion \_\_\_\_\_

Address of dwelling house or usual place of abode \_\_\_\_\_

Age \_\_\_\_\_

Relationship to the Defendant \_\_\_\_\_

- With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- With a guardian or conservator of the Defendant.

Name of person and designation \_\_\_\_\_

- By delivering said papers to the attorney general or an assistant attorney general if serving the state.

- Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation \_\_\_\_\_



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

Upon a private corporation, domestic or foreign:

- By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

- By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

- By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- I was unable to make service after the following reasonable attempts:

\_\_\_\_\_  
\_\_\_\_\_

SERVICE DATE:	/	/	SERVICE FEE \$
Month	Day	Year	

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

A large circular notary seal for the State of Rhode Island. It features a central anchor with a figure standing on it, holding a sword and a scale. The words "NOTARY PUBLIC" are written in a circle around the anchor, and "RHODE ISLAND" is written along the bottom edge.

SIGNATURE OF PERSON OTHER THAN A SHERIFF OR DEPUTY SHERIFF OR CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_  personally known to the notary or  proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_



STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

JOHN CARUSO

*Plaintiff*

v.

C.A. NO.: PC-2018-

OMNI HOTELS MANAGEMENT  
CORPORATION, d/b/a OMNI HOTEL, Alias, and  
JOHN DOE, Alias.  
*Defendants*

**COMPLAINT**

NOW COMES THE PLAINTIFF in the above-entitled matter and hereby attests that:

**PARTIES**

1. Plaintiff, John Caruso, is a resident of Palm Beach Gardens, Florida.
2. Defendant, Omni Hotels Management Corporation, d/b/a Omni Hotel, is a foreign corporation doing business within the State of Rhode Island.
3. The Defendant, John Doe, Alias (hereinafter "Doe"), upon information and belief is a citizen and resident of the State of Rhode Island or a corporation or business or insurance company authorized to do business and doing business in the State of Rhode Island and is therefore subject to the jurisdiction of this Court. The Defendant, DOE, is named as a party pursuant to R.I.G.L § 9-5-20. The true name of the Defendant is unknown to the Plaintiff and is being named a Defendant by said fictitious name. Plaintiff will seek leave to amend his Complaint to state Defendant, DOE's, true name when such has been ascertained.

**COUNT I**

4. Plaintiff, John Caruso, hereby incorporates by reference paragraphs 1 through 3 and re-alleges as follows:
5. On or about May 14, 2016, Plaintiff, John Caruso, was a business invitee upon Defendant, Omni Hotels Management Corporation, d/b/a Omni Hotel premises located at 1 West Exchange Street, Providence, Rhode Island.

6. At all times herein, Plaintiff, John Caruso, was in the exercise of sufficient due care and caution so as to allow recovery in this matter.
7. On or about May 14, 2016, Defendants, by and through their agents, servants and/or employees were under the obligation to maintain the premises of 1 West Exchange Street, Providence, Rhode Island in a clean, good, and safe condition for the general public, intended guests and its tenants.
8. On or about May 14, 2016, Defendants, by and through their agents, servants and/or employees, was negligent in maintaining the premises of 1 West Exchange Street, Providence, Rhode Island in a clean, good and safe condition so as to cause Plaintiff, John Caruso, to trip and fall as a result of a dangerous and hidden step up that was at the front entrance of Defendants premises.
9. As a direct and proximate result of the negligence of the Defendants, the Plaintiff, John Caruso, sustained severe personal injuries that required medical treatment, surgery, scarring, incurred medical expenses, lost wages and/or loss of earning capacity, as well as other damages incurred.
10. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, John Caruso, hereby demands judgment against the Defendants plus interest, costs and attorney's fees.

#### COUNT II

11. Plaintiff, John Caruso, hereby incorporates by reference paragraphs 1 through 12 and repeats the same.
12. On or about May 14, 2016, Plaintiff, John Caruso, was a business invitee upon the premises located at 1 West Exchange Street, Providence, Rhode Island, wherein the Plaintiff was a business invitee of said Defendants, and, while upon said premises, sustained personal injuries.
13. Plaintiff, John Caruso, having paid consideration as a business invitee, imposes a contract of responsibility on said Defendants to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests and tenants.
14. As a result of the Defendants breach of that duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, John Caruso, incurred medical expenses, scarring, pain and suffering, lost wages, loss of earning capacity and other damages.

15. Additionally, Plaintiff, John Caruso, sustained consequential damages as a result of the breach of contract by said Defendants, and requests that he be indemnified accordingly.

WHEREFORE, Plaintiff, John Caruso, hereby demands judgment against the Defendants, plus interest, costs, and attorney's fees.

Plaintiff,  
By his Attorney,

/s/ Ronald J. Resmini  
RONALD J. RESMINI, ESQ. (484)  
ANDREW O. RESMINI, ESQ. (8705)  
Law Offices of Ronald J. Resmini  
155 South Main Street, Suite 400  
Providence, RI 02903  
(401) 751-8855 (tel)  
(401) 228-6577 (fax)  
E-file email: [efile@resminilawoffices.com](mailto:efile@resminilawoffices.com)

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

JOHN CARUSO  
*Plaintiff*

v.

C.A. NO.: PC-2018-

OMNI HOTELS MANAGEMENT  
CORPORATION, d/b/a OMNI HOTEL, Alias, and  
JOHN DOE, Alias.  
*Defendants*

**JURY DEMAND**

Now comes the Plaintiff in the above-entitled matter and hereby demands a trial by jury.

Plaintiff,  
By his Attorney,

/s/ Ronald J. Resmini  
RONALD J. RESMINI, ESQ. (484)  
ANDREW O. RESMINI, ESQ. (8705)  
Law Offices of Ronald J. Resmini  
155 South Main Street, Suite 400  
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